IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 473 OF 2006

Shri Ankush Narayan Chikane .... Applicant
Vs.
Sau. Nita Ankush Chikane .... Respondents
and another

Mr. P.S. Gole for the Applicant.
Mr. A.J. Kenjale for Respondent no. 1.
Ms. R.M. Gadhvi, APP for State.

CORAM : J.H. BHATIA, J.,
DATE : 13TH MARCH, 2007

P.C.

1) Heard Mr. Gole for the applicant and Mr. Kenjale for respondent no. 1.

2) In the present revision application, the applicant has challenged the order passed by 1st Adhoc Additional Sessions Judge, Satara allowing the revision application of the respondent no. 1 and enhancing the maintenance amount from Rs.500/- to Rs.1,000/- per month with retrospective effect. The order was exparte. According to the present applicant, because of fracture of his leg bone in March 2005, he could not appear before the Sessions Court and thus he could not present his evidence on record before the Sessions Court. After some

discussions at bar, learned counsel agreed that subject to payment of Rs.3,000/- as costs by the applicant, this revision may be allowed and the matter be remanded back to the Sessions Court for hearing and disposal afresh.

3) In view of the above, subject to payment of cost of Rs.3,000/- by the applicant to the respondent no.1, the revision application is hereby allowed and the criminal revision application no.133 of 2003 is hereby remanded back to the 1st Adhoc Sessions Judge, Satara for hearing and disposal afresh, as per law.

4) Cost to be paid within two weeks. If cost is not paid, this application shall be deemed to have been dismissed. Execution proceeding based on the impugned order shall remained stayed. The Sessions Court shall hear and dispose of the revision application within three months. After receipt of R.& P. from this Court. The amount which is already deposited by the present applicant before this Court may be paid to respondent no. 1 and same shall be liable to be adjusted against the maintenance which may be granted by the Sessions Court after hearing the revision application.

(J.H. BHATIA, J.)